

**REMARKS/ARGUMENTS**

Claims 19-44 were pending in this application.

Claims 31-40 were objected to by the Examiner as being drawn to an invention that is independent or distinct from the invention originally claimed and elected. The Examiner has withdrawn claims 31-40 from consideration as being drawn to a non-elected invention. Claims 31-40 are cancelled in this amendment without prejudice.

Claims 19, 20, 28 and 30 were rejected under 35 U.S.C. 102(a) by Eggers et al. US 2002/0169636.

Claims 27 and 41-42 were rejected under 35 U.S.C. 102(e) as being anticipated by Browne et al. US 2004/0064342.

Claims 21-23 were rejected under 35 U.S.C. 103 as being unpatentable over Eggers et al. US 2002/0169636 in view of Grunwald et al. US 2003/0013959.

Claims 24-26 were rejected under 35 U.S.C. 103 as being unpatentable over Eggers et al. US 2002/0169636 in view of Say et al. US 2003/0187338.

Claims 23 and 29 were rejected under 35 U.S.C. 103 as being unpatentable over Eggers et al. US 2002/0169636 in view of Shapiro et al. US2005/0075544.

Claims 43-44 were rejected under 35 U.S.C. 103 as being unpatentable over Browne et al. US 2004/0064342.

Claims 19-44 have been cancelled without prejudice.

Applicants present new claims 45-50 directed to a method for dynamically adjusting the screen brightness of a screen display operatively associated with a medical pump in order to more distinctly define one aspect of present invention over prior art of record. These new claims are supported by original claims 19-30, as well as pages 14, 39-41 of the original specification. Among other things, some of the limitations of claim 22 have now been incorporated

into new claim 45. It is not believed that the new claims are susceptible to the above-mentioned rejections for the following reasons.

Eggers et al. US 2002/0169636 discloses a system and method for managing patient care in FIG. 1. The system includes a patient care device 12 connected to a hospital network 10 including a pharmacy management system 34 and a hospital information system server 30 (paragraph 0022). The patient care device 12 has a user interface device 54 that can be a touch screen for displaying information to a user (paragraph 0024). The patient care device 12 is capable of operating in several different modes, or personalities (paragraph 0030). A particular configuration database is selected based, at least in part, by patient-specific information such as patient location, age, physical characteristics or medical characteristics. The medical characteristics may include treatment prescription and patient care provider identification. As disclosed in paragraph 0033, each configuration database includes treatment protocols, device features and possibly other information for defining particular operating parameters for patient care device 12. Some of the "device features" are defined in paragraph 0043 as being enabled or disabled in a particular configuration database. The examples disclosed are simple primary infusion for hydration, keep vein open infusion, drug calc, primary/secondary, delayed start, multi dose, total parental nutrition, multi step, and multi-channel coordinated infusion. Paragraphs 0040-0042 describe various operating characteristics or modes of a pump that can be defined in a particular configuration database. No mention is made of screen brightness, and particularly not with respect to time of day or location of the device.

The Examiner states that paragraph 0070 of

US2003/0013959 Grunwald et al. discloses that a medical device, specifically an ultrasound imaging system, with a screen display for which the user can set the system's language, screen defaults such as brightness, contrast, color, arrangement of tiles and the data acquisition mode the ultrasound system is in at power up.

However, Eggers et al., Grunwald et al., Brown et al., Shapiro et al., and the other prior art references fail to disclose or suggest that the brightness settings are automatically selected based upon time of day (daytime/nighttime), as recited in new claim 45. Thus, claim 45 is believed to be patentable over the prior art. Claims 46-50 depend from claim 45 and at least derive their patentability therefrom.

Applicants submit herewith a Request for Continued Examination and a Petition for Extension of Time by three (3) months, which includes an authorization to pay the appropriate fee by deposit account.


This application originally had 30 total claims, 10 of which were independent. The application now has six total claims, one of which is independent. Therefore, no additional fees or extensions of time are believed to be due in connection with this amendment. However, the Commissioner is authorized to charge Deposit Account 50-3118 for any additional fees (or credit any over payments) that may be required in association with this communication.

Applicants respectfully request favorable consideration of the claims in this application and issuance of a timely Notice of Allowance.

Respectfully submitted,  
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